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To: [Mark Peycke](#)
Subject: Fw: Houston Chronicle Article (SJRW P)
Date: 01/03/2012 10:54 AM

I wanted to make sure you knew about this suit. Thanks.

----- Forwarded by Anne Foster/R6/USEPA/US on 01/03/2012 10:54 AM -----

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Date: 12/28/2011 03:17 PM
Subject: Houston Chronicle Article (SJRW P)

<http://www.chron.com/default/article/County-sues-over-toxic-storage-on-river-2427715.php>

County sues over toxic storage on river

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By ALLAN TURNER, HOUSTON CHRONICLE

Published 07:45 p.m., Tuesday, December 27, 2011



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Angered that a riverside industrial waste pit leached potent toxins into the San Jacinto River for almost half a century, the Harris County Attorney's Office is asking that those responsible be fined as much as the law allows - \$25,000 a day - all the way back to the site's 1965 opening.

Named as defendants in a lawsuit filed in Judge [Caroline Baker](#)'s 295th state District Court are International Paper Co., [McGinnes Industrial Maintenance](#) Corp., Waste Management of Texas, and Waste Management Inc.

"The day of reckoning is here," said [Rock Owens](#), Harris County Attorney Vince [Ryan's](#) lead lawyer on the case. "These penalties are there to punish, to send a message. ... We're asking these companies to atone for what they've done."

Spokesmen for International Paper and Waste Management said Tuesday that they have not received the lawsuit and would not comment.

At issue is an abandoned, partially submerged waste facility near the Interstate 10 crossing

that has been an [Environmental Protection Agency Superfund](#) site since 2008 and constitutes one of Texas' biggest pollution headaches.

The waste pits have leached dioxin into the river, leading state health officials to warn pregnant women and young children against eating fish or crabs caught nearby. They also have warned against picnicking or camping near the former McGinnes facility.

A byproduct of bleaching paper, dioxin is a human carcinogen so potent that it is measured in trillionths of a gram. Tests of river mud near the site have found dioxin concentrations in excess of 41,000 parts per trillion. Of the fish and crab samples collected near the dump, 95 percent found to be were dangerously contaminated.

McGinnes Industrial Maintenance Corp. for nine months deposited waste from a Pasadena paper factory at the dump, which was swamped by the river as land subsided. The factory is no longer open.

No exposure level safe

The long-lived toxin, which also causes reproduction and immune system problems, is stored in body fat and increases in concentration as it moves up the food chain.

The [EPA](#) says no amount of exposure is safe.

Acting under an EPA mandate, International Paper and Waste Management this fall capped and sealed two pits with polyethylene liner and 70,000 tons of rock. Deliberations are under way to determine what other remedial efforts are necessary.

Owens said any award granted would be split between the county and the [Texas Commission on Environmental Quality](#).

Owens said the county would use its share on site remediation beyond what the EPA requires. Additionally, he said, it would be used to launch education campaigns to drive home the dangers of eating fish caught at the site.

Currently, he said, signs with health warnings posted at the site have not been entirely effective.

According to the county's lawsuit, International Paper Co. is named as a defendant because it is a successor to Champion Papers Inc., which operated the Pasadena factory.

McGinnes Industrial Maintenance Corp., the suit says, is owned by Waste Management of Texas; and it, in turn, is owned by Waste Management Inc.

Waste Management spokesman [Ken Haldin](#), however, attempted to distance his company from the problematic operation.

"Waste Management was not affiliated with (McGinnes). It never operated ... never owned the waste site property and never was involved in disposal there. Most importantly, the site was operated under the proper government authorization in place at the time."

Kudos from Sierra Club

Evelyn Merz, Houston [Sierra Club](#) conservation chairwoman, lauded the county lawsuit, saying that Ryan's office - faced with little action taken by the state - had adopted an appropriately aggressive strategy.

She expressed concern, however, that the county might devote an inordinately large amount of its potential award to efforts to educate the public about dangers at the site. Rather, Merz suggested, such money should go toward financing attempts to stabilize and end erosion.

"It certainly hasn't taken millions of dollars to put up signs," she said. "It doesn't take millions for a public ad campaign."

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